

Notice of Allowability

Application No.

10/798,511

Examiner

Olga Asinovsky

Applicant(s)

HIWATASHI ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2007.
2. ☒ The allowed claim(s) is/are 1,4,7-11,13-33,36 and 38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 7/03/2007 & 10/09/2007.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The amendment of 11/13/2007 and Remarks of 10/09/2007 have been considered. The claimed invention is a cosmetic composition comprising a straight-chain block copolymer having a unit derived from a compound having an ethylenic unsaturation bond, having a number-average molecular weight of 1000 to 1,000,000, and having two or more glass transition temperature or melting points, wherein the block copolymer is an A-B-A triblock copolymer having a hard block A (a high Tg block) and a soft block B (a low Tg block), the A blocks are formed by hydrolysis, quaternization or amine-oxine-oxide-forming treatment after polymerization, and the triblock copolymer comprises: at least one block composed of a unit having a hydrophilic group which is at least any one selected from groups consisting of an anionic group specified in the claims and salts of these groups; a cationic group specified in the claims and salts of these groups; a nonionic group specified in the claims; an amphoteric ionic group consisting of carboxybetaine group; and a semipolar group consisting of amine oxide group.

The references in the last office action are: Wang et al Patent 6,838,078; Hiwatashi et al Patent 6,375,932; and Matyjaszewski et al Patent 5,807,937 in view of Hayama et al Patent 6,123,933.

Upon reviewing the evidence of record together with applicants remarks it was found that Wang et al and Hiwatashi et al are not available prior art since the present application has a priority effective filing date.

While Matyjaszewski discloses a triblock copolymer having a structure of PMMA-PA-PMMA, reference does not disclose that A-blocks are formed by hydrolysis, quaternization or amine-oxide-forming treatment after polymerization. Hayama does not disclose straight-chain=linear triblock copolymer having claimed post polymerization treatment.

The new search has been made focusing on the linear triblock copolymer having hydrophilic segment and hydrophobic segment.

Robinson et al U.S. Patent 4,339,371 discloses linear triblock copolymer comprising polyester-polyalkylene oxide-polyester. The definition of said triblock copolymer is readable in claim 1, however Robinson does not disclose that a polyester block is modified after polymerization.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References have been considered. None of the cited prior art discloses a straight-chain triblock copolymer specified in the amended claims.

Claims 1, 4, 7-11, 13-33, 36 and 38 are deemed to contain allowable subject matter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number:
10/798,511
Art Unit: 1796

Page 4

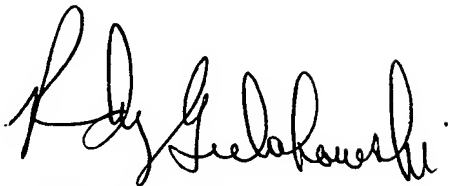
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O. A.

January 19, 2007


RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
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